

JOHN W. BACCUS

IBLA 81-1110

Decided October 30, 1981

Appeal from decision of the Oregon State Office, Bureau of Land Management, declaring unpatented mining claims abandoned and void. 3833 (952).

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Abandonment -- Mining Claims: Recordation

Under 43 U.S.C. § 1744 (1976) and 43 CFR 3833.1-2, the owner of an unpatented mining claim located on or before Oct. 21, 1976, must file a copy of the official record of the notice or certificate of location with the proper Bureau of Land Management office on or before Oct. 22, 1979. This requirement is mandatory and failure to comply conclusively constitutes abandonment of the claim by the owner.

2. Notice: Generally -- Regulations: Generally -- Statutes
All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: John W. Baccus, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

John W. Baccus appeals from an August 24, 1981, decision of the Oregon State Office, Bureau of Land Management (BLM), rejecting the

recordation of notices of location for the unpatented Lady of the Lake quartz claim, Bonus fraction claim, Shamrock lode claim, Shamrock #1, #2 and #3 claims, and Key claim. The location notices were returned for failure of the owner to file the notices with BLM on or before October 22, 1979, as required by section 314(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1-2(a). BLM declared the claims abandoned and void in accordance with 43 CFR 3833.4(a). The claims were located prior to October 21, 1976. 1/ Appellant filed the location notices and fees with BLM on August 11, 1981.

[1] The owner of an unpatented mining claim located on Federal lands on or before October 21, 1976, must file a copy of the official record of the notice or certificate of location in the proper BLM office on or before October 22, 1979. 43 CFR 3833.1-2(a). Failure to file the notice of location on or before October 22, 1979, "shall be deemed conclusively to constitute an abandonment of the mining claim * * * and it shall be void." 43 CFR 3833.4(a).

Appellant filed his notices of location with BLM well after the October 22, 1979, deadline. Accordingly, BLM properly declined to record the notices and declared his mining claims abandoned and void. Joe Bastone, 52 IBLA 288 (1981).

[2] Appellant indicates that he was not notified of the new law requiring recordation of mining claims with BLM. He avers that proofs of labor have been filed in the county for each of the claims for more than 20 years.

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations thereunder. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Canyon View Mining Co., 49 IBLA 184 (1980); 44 U.S.C. §§ 1507, 1510 (1976). The Board has no authority to provide relief where a filing required by statute has not been made. Lynn Keith, 53 IBLA 192, 88 I.D. 369 (1981).

Appellant may wish to consult with BLM about the possibility of relocating these claims.

1/ The dates of location of the claims are:

Lady of the Lake quartz	July 1, 1942
Bonus fraction	Nov. 30, 1947
Shamrock lode	July 3, 1953
Shamrock #1 and #2	July 6, 1953
Shamrock #3	July 8, 1953
Key	May 25, 1955

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Edward W. Stuebing
Administrative Judge

